

**UNITED STATES DEPARTMENT OF COMMERCE****Pat nt and Trad mark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/399,611 09/20/99 MOORE G MTEC1010

IM71/0119
SERGE J HODGSON
THE GUNNISON LAW FIRM
DOLORES 2 NW OF 10TH
PO BOX 5-3287
CARMEL- BY -THE- SEA CA 93921

EXAMINER

FIELER, E

ART UNIT

PAPER NUMBER

1763

DATE MAILED:

01/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.
09/399,611

Applicant(s)
Moore et al.

Examiner
Erin Fieler

Group Art Unit
1763



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-11 and 22-28 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-7, 9-11, 22-24, 27, and 28 is/are rejected.
- ☒ Claim(s) 8, 25, and 26 is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1763

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 9- 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Shinriki et al. Shinriki teaches a chemical vapor deposition system comprising: a couple of argon gas sources, a set of mass flow controllers (40 and 50) at a first position, a gas manifold (32) with a plurality of gas inlets for distributing gas into the CVD processing chamber (2), a set of gas inlet valves (64) located in between the mass flow controllers and the processing chamber, a set of exhaust valves (64) connected to the gas inlet lines (38 and 46) after the mass flow controllers , and a set of exhaust regulating valves (64 and 8) (fig. 1). Shinriki also shows in figure 1 that there is a supporting structure for the processing chamber although it is not labeled in the drawing.

3. Claims 22-24, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Barbee et al. Barbee teaches a chemical vapor deposition system comprising: an argon gas

Art Unit: 1763

source, an second gas source (11), set of mass flow controllers (24 and 28₁), a gas mixer (25) connected to both gas sources, an injector which regulates the gas flow from the mixer to the CVD processing chamber (16), a set of gas valves (78 and 77) located in between the mass flow controllers and the mixer, and an exhaust line (21₃) and a valve (75) coupled to the mixer (fig.4).

Conclusion

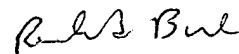
4. Claims 8, 25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin Fieler, whose telephone number is (703) 305-0516 .



Erin Fieler

January 14, 2001



RICHARD BUEKER
PRIMARY EXAMINER
ART UNIT 1763